

Marc M. Carlton, OSB #992375

Marc.Carlton@lewisbrisbois.com

LEWIS BRISBOIS BISGAARD & SMITH LLP

888 SW Fifth Avenue, Suite 900

Portland, Oregon 97204-2025

Telephone: 971.712.2800

Facsimile: 971.712.2801

Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

KARL L. BARNES,

Plaintiff,

v.

GREYHOUND LINES, INC.,

Defendant.

Case No. 3:17-cv-01176-HZ

DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT

DEMAND FOR JURY TRIAL

Defendant Greyhound Lines, Inc. ("Greyhound"), through counsel, responds to the allegations of plaintiff's complaint ("complaint").

ANSWER

1.

Greyhound denies each and every allegation set forth in plaintiff's complaint unless expressly admitted or alleged herein.

2.

In response to paragraph 1 of the complaint, Greyhound lacks knowledge or information sufficient to admit or deny the truth of the allegations and denies on that basis.

3.

In response to paragraph 2 of the complaint, Greyhound admits that N.E. Lombard St. is a public road in Multnomah County, Oregon.

4.

In response to paragraphs 3 through 6 of the complaint, Greyhound lacks knowledge or information sufficient to admit or deny the truth of the allegations and denies on that basis.

5.

Greyhound denies the allegations contained in paragraphs 7 and 8 of the complaint.

6.

In response to paragraph 9 of the complaint, Greyhound lacks knowledge or information sufficient to admit or deny the truth of the allegations and denies on that basis.

7.

Greyhound denies the allegations contained in paragraphs 10 through 12 of the complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

8.

The allegations in the complaint fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

(Comparative Fault)

9.

Plaintiff's injuries and damages, if any, were due to his own negligent acts or omissions.

////

////

////

THIRD AFFIRMATIVE DEFENSE

(Apportionment of Fault)

10.

Pursuant to ORS 31.600(2), the jury shall compare the fault of plaintiff with the fault of any party against whom recovery is sought and the fault of any person with whom the claimant has settled.

FOURTH AFFIRMATIVE DEFENSE

(Cap on Noneconomic Damages)

11.

Plaintiff's noneconomic damages, if any, are capped at \$500,000 under ORS 31.710.

DEMAND FOR JURY TRIAL

Greyhound demands a jury trial.

WHEREFORE, Greyhound prays that plaintiff have and recover nothing of it; that this action be dismissed with prejudice; and that Greyhound have and recover of plaintiff its court costs, litigation expenses, reasonable attorneys' fees, and any other relief that the court deems just and proper.

DATED this 28th day of July, 2017.

s/ Marc M. Carlton, OSB #992375

Marc M. Carlton, OSB #992375

LEWIS BRISBOIS BISGAARD & SMITH LLP

888 SW Fifth Avenue, Suite 900

Portland, Oregon 97204-2025

Phone: 971-712-2800

Fax: 971-712-2801

Marc.Carlton@lewisbrisbois.com

Attorney for Defendant